REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Applicant acknowledges with appreciation the indication in the Office Action that claims 5, 13, 18, and 26 are allowed and claims 4, 7, 8, 12, 17, 20, 21, and 25 are allowable.

A substitute specification is enclosed to overcome the objection to the specification. No new matter is introduced by the substitute specification.

A listing of the claims is provided herein to overcome the objection to the claims.

Claims 6 and 19 have been cancelled and allowable claims 7, 8, 20 and 21 have been rewritten in independent form as suggested in the Office Action. Claims 1, 4, 5, 9, 12-14, 17, 18, 22, 25, and 26 have been amended for clarity but have not been narrowed; therefore, no estoppel is deemed attachable thereto.

Claims 1-3, 9-11, 14-16, and 22-24 were rejected, under 35 USC §102(b), as being anticipated by Willis (US 4,264,986). Claims 6 and 19 were rejected, under 35 USC §102(b), as being anticipated by Ishibashi (US 5,905,699). Applicant respectfully traverses the rejections of claims 1-3, 9-11, 14-16, and 22-24. The rejections of claims 6 and 19 are obviated by the cancellation of these claims.

Claim 1 now recites:

> *A focusing method used in a unit for forming a master of a data recording medium in which recording light which is modulated in accordance with information to be recorded is converged through an objective lens which is focusing-controlled such that a distance from a recording medium, in which a photosensitive material film is applied to a surface of a base, remains constant and information is recorded on said recording medium, wherein*
>
> *the focusing control of said objective lens is executed to position a focal point of said objective lens a predetermined fine distance, which is smaller than a film thickness of said photosensitive material film, within said photosensitive material film relative to a surface of said photosensitive material film.*

Willis fails to disclose the feature recited in claim 1 of focusing an objective lens' focal point a predetermined distance within a photosensitive material film, relative to its surface.

Although the Office Action proposes that Willis discloses this feature in Fig. 2 and col. 11, lines 62-68 (Office Action page 5, section (d)), Willis in fact discloses the following in Fig. 2 and the cited portion of the specification. The incident focused laser beam penetrates the surface of the recording medium 11 and is absorbed within a depth which is typically two optical wavelengths (Willis col. 11, lines 62-64). This penetrating laser beam is converted to heat which warms medium 11 and can bring about localized melting if its power density is higher than a certain threshold value (col. 11, lines 65-68).

As may be determined by examination of Fig. 2 and the cited portion of Willis' disclosure, Willis does not disclose focusing the focal point of a laser beam at some depth below the surface of the recording medium. Instead, Willis discloses that the focused laser beam penetrates the surface of the laser beam to a particular depth. The cited portion of Willis' disclosure provides no information as to where the focal point of the laser beam is with respect to the recording medium.

However, Willis makes clear in other portions of the disclosure that the focal point of the laser beam is at the surface of the recording medium. For instance, Willis discloses in Fig. 1 that reference numeral 12 indicates the boundaries of a laser beam that is focused on the optically smooth and homogeneous surface 13 of a recording medium 11 (col. 4, lines 11-14). Even more specifically, Willis discloses that an ultra-fine control of the position of a focal plane of a lens 31 focuses laser beam 12 precisely at a surface 13 of a wax layer 11 (col. 20, lines 57-59). Willis similarly describes focusing the laser beam at the surface of the recording medium in col. 4, lines 24-26, col. 5, lines 43-47, col. 7, lines 40-42, col. 9, lines 40-41, col. 11, lines 14-16, col. 17, lines 24-28, and claims 3, 8, 25, 27, 29, and 31.

Moreover, the recording material disclosed by Willis is different from that used in the present invention. Willis' recording material is suitable for heat mode recording, while that of the present invention is suitable for photon mode recording.

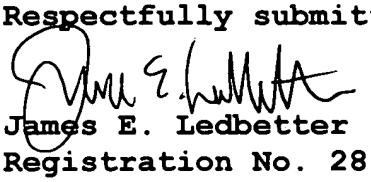
In accordance with the above discussion, Applicant submits that Willis does not anticipate the subject matter defined by claim 1 of focusing an objective lens' focal point a predetermined distance within a photosensitive material film, relative to its surface. Therefore, allowance of claim 1 and all claims dependent therefrom is warranted.

Claims 9, 14, and 22 similarly recite the feature distinguishing method claim 1 from Willis, though claims 14 and 22 do so with respect to an apparatus. For similar reasons that this feature distinguishes claim 1 from Willis, so too does it distinguish claims 9, 14, and 22. Therefore, allowance of claims 9, 14, and 22 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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